

REMARKS

Claims 1, 3, 5-7, 10-11 and 13-38 are pending in this application. Claims 17-20 and 24-29 are currently withdrawn. Applicants respectfully request reconsideration of the pending claims.

I. Interviews

The courtesies extended to Applicants and Applicants' representative by Examiner McCulley and Examiner Feely at the interviews held on January 23, 2009 and February 10, 2009 are appreciated. The reasons presented at the interviews as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interviews.

II. Rejection Under 35 U.S.C. §103(a)

A. Claims 1, 3, 5-7, 10-11, 13-16, 21-23, 32-33 And 36-38

Claims 1, 3, 5-7, 10-11, 13-16, 21-23, 32-33 and 36-38 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,210,853 ("Patel") in view of U.S. Patent No. 6,197,883 ("Schimmel"). Applicants respectfully traverse this rejection.

The Patent Office alleges that the sulfonated polyester (SPE) resin described in Patel is a "curable resin" because Patel describes that upon reacting the SPE with styrene-butylacrylate-sulfopropylmethacrylate and a persulfate, the methacrylate and acrylate functionality on the SPE resin are "curable functional groups." Applicants respectfully disagree.

As agreed by Examiner McCulley and Examiner Feely during the interview, the resins described in Patel cannot be considered "curable resins." Specifically, Patel describes in step (i) the preparation of a first resin latex emulsion (i.e., styrene-butylacrylate-sulfopropylmethacrylate) by an emulsion polymerization in the presence of an initiator. See Patel, col. 4, lines 5-6. Moreover, Patel describes in step (ii) the preparation of a second resin latex by a polycondensation reaction in the presence of a catalyst. See Patel, col. 4, lines 7-8.

As such, Patel does not describe the formation of a curable resin, but the formation of a two resin latexes, each of which do not exhibit the necessary characteristics to be considered a "curable resin." As discussed by the first-named inventor (Mr. Sacripante) during the second interview, in order for a resin to be considered a "curable" resin, the resin needs to be an "unsaturated" resin. However, the resulting polymer latexes described in Patel, despite containing the methacrylate and the acrylate portions on the resin backbone, are "saturated" resins, and thus cannot be considered curable resins.

Furthermore, Schimmel does not remedy the deficiencies of Patel. Schimmel was merely introduced to describe the reaction of an epoxy with amine functional acrylate polymer. See Office Action, page 2 (citing Schimmel col. 7, lines 44-67). However, Schimmel does not describe a process for forming curable powder, comprising:

- a) aggregating, in an aqueous dispersion, particles including at least curable resin particles to form aggregated particles; b) coalescing said aggregated particles to form fused particles;
- c) adding at least one curing agent to the fused particles, and d) removing said fused particles from said aqueous dispersion, and wherein the at least one curing agent is selected from the group consisting of polyfunctional amines; dicyanodiamide; bisphenol A; bisphenol S; hydrogenated bisphenol; polyphenolics; imidazoles; beta-hydroxy-alkylamide; uretdione; and polyfunctional isocyanates, as recited in claim 1.

Furthermore, Schimmel does not describe a process for forming curable powder, comprising:

- a) aggregating, in an aqueous dispersion, particles including at least i) curable resin particles and ii) particles comprising at least one curing agent, to form aggregated particles comprising curable resin and curing agent;
- b) coalescing said aggregated particles to form fused particles; and
- c) removing said fused particles from said aqueous dispersion, and wherein the at least one curing agent is selected from the group consisting of polyfunctional amines, dicyanodiamide, bisphenol A, bisphenol S, hydrogenated bisphenol, polyphenolics,

imidazoles, beta-hydroxy-alkylamide, urethane and polyfunctional isocyanates, as recited in claim 10.

As such, Patel, alone or in combination with Schimmel, would not have provided one of ordinary skill in the art with any reason or rationale to have formed the curable resin powder from the methods recited in claims 1 and 10.

B. Claims 1, 3, 7, 34 And 35

Claims 1, 3, 7, 34 and 35 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,989,629 ("Sacripante") in view of Schimmel. Applicants respectfully traverse this rejection.

The Patent Office alleges that the sulfonated polyester resin (SPE) described in Sacripante is also a "curable resin" because it is reacted with a vinyl monomer and further cured with persulfates. Applicants respectfully disagree.

As agreed during the interview, the SPE resin described in Sacripante, like the resin latexes described in Patel, also cannot be considered a "curable resin." As discussed above, a resin must be "unsaturated" in order to be considered a curable resin. However, the SPE resin described in Sacripante, upon curing with the vinyl monomer, is a saturated polyester resin, and thus cannot be considered a curable resin.

Furthermore, Schimmel does not remedy the deficiencies of Sacripante. As discussed above, Schimmel does not describe the method for preparing a curable powder as recited in claim 1.

As such, Sacripante, alone or in combination with Schimmel, would not have provided one of ordinary skill in the art with any reason or rationale to have formed the curable resin powder from the method recited in claim 1.

C. Claims 30 and 31

Claims 30 and 31 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Patel in view of Schimmel in view of U.S. Patent No. 6,491,973 ("Davydov"). Applicants respectfully traverse this rejection.

The Patent Office admits that Patel and Schimmel do not disclose dry-blending the fused particles with at least one additive, as described in claims 30 and 31. The Patent Office introduces Davydov as allegedly teaching this feature.

For the same reasons described above, Patel and Schimmel do not describe the subject matter recited in claim 1. Furthermore, Davydov does not remedy the deficiencies of Patel and Schimmel. Davydov merely describes dry blending particles with a filler additive. See Davydov, col. 2, lines 26-31. However, Davydov also does not describe a process for forming curable powder, comprising: a) aggregating, in an aqueous dispersion, particles including at least curable resin particles to form aggregated particles; b) coalescing said aggregated particles to form fused particles; c) adding at least one curing agent to the fused particles, and d) removing said fused particles from said aqueous dispersion, and wherein the at least one curing agent is selected from the group consisting of polyfunctional amines; dicyanodiamide; bisphenol A; bisphenol S; hydrogenated bisphenol; polyphenolics; imidazoles; beta-hydroxy-alkylamide; urethane; and polyfunctional isocyanates, as recited in claim 1, from which claims 30 and 31 depend.

As such, Davydov, in combination with Patel and Schimmel, would not have provided one of ordinary skill in the art with any reason or rationale to have formed a curable resin powder from the method described in claim 1.

Withdrawal of the rejection is respectfully requested.

D. Conclusion

In view of the foregoing arguments, Applicants respectfully traverse the rejections under 35 U.S.C. §103(a).

III. Rejoinder

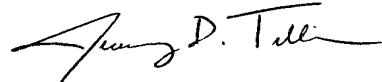
In view of the foregoing arguments, Applicants respectfully request rejoinder of claims 17-20 and 24-29.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 5-7, 10-11 and 13-38 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jeremy D. Tillman
Registration No. 62,639

JAO:JDT/hs

Date: February 19, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

| |
|--|
| DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 24-0037 |
|--|